

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT A. WILLIAMS,)	
)	
Plaintiff,)	Case No. 4:21-CV-966-SRC
)	
v.)	
)	
LG CHEM, LTD. and LG CHEM AMERICA, INC.,)	
)	
Defendants.)	

**DEFENDANT LG CHEM AMERICA, INC.’S
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant LG Chem America, Inc. (“LGCAI”), by and through undersigned counsel, and pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, respectfully moves this Court for an Order dismissing Plaintiff’s Complaint against it for Lack of Personal Jurisdiction.

This Motion is made on the grounds that Plaintiff cannot meet his burden of establishing jurisdiction over LGCAI in this case, for the following reasons:

1. LGCAI does not have the “minimum contacts” with the State of Missouri necessary to render it amenable to process issued by the courts of this State, or to subject it to their jurisdiction in this case.

2. LGCAI is a Delaware corporation with its headquarters in Atlanta, Georgia and cannot be considered “at home” in Missouri. Therefore, LGCAI is not subject to the general jurisdiction of Missouri courts. *See Daimler AG v. Bauman*, 571 U.S. 117, 122 (2014); *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924 (2011); *BNSF Railway Co. v. Tyrrell*, 137 S. Ct. 1549, 1559 (2017); *State ex rel. Bayer Corp. v. Moriarty*, 536 S.W.3d 227, 232 (Mo. 2017); *State ex rel. Norfolk S. Ry. Co. v. Dolan*, 512 S.W.3d 41, 48 (Mo. 2017).

3. LGCAI is not subject to the specific jurisdiction of the Court in this case because the long-arm statute is not satisfied, and because Plaintiff cannot meet his burden of establishing that his claims arise out of or relate to purposeful contacts with Missouri created by LGCAI, as required by constitutional due process. *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 141 S. Ct. 1017 (2021); *Bristol-Myers Squibb Co. v. Superior Court of Cal.*, 137 S. Ct. 1773 (2017); *State ex rel. LG Chem, Ltd. v. McLaughlin*, 599 S.W.3d 899 (Mo. 2020).

4. Plaintiff alleges he purchased an “18650 lithium-ion battery” from a Missouri retailer for use with his electronic cigarette device. LGCAI has never served a consumer market for standalone, removable, replaceable lithium ion batteries in Missouri, or anywhere else. LGCAI has never distributed, marketed, advertised, or sold LG 18650 lithium ion battery cells directly to consumers in Missouri as standalone, removable, replaceable batteries, and has never distributed, marketed, advertised, or sold any 18650 lithium ion battery cells to anyone else for re-sale to consumers in Missouri as standalone, removable, replaceable batteries. Accordingly, Plaintiff cannot show the required nexus between LGCAI, the forum, and the claims at issue to satisfy constitutional due process.

5. For the reasons set forth above and in the Memorandum of Law in Support filed with and incorporated into this Motion as if fully set forth herein, LGCAI is not subject to the general jurisdiction of Missouri courts, and is not subject to the specific jurisdiction of a Missouri court in this case. The exercise of personal jurisdiction over LGCAI in this case would exceed the boundaries of due process set by the United States Constitution, and this lawsuit should be dismissed in its entirety as it pertains to LGCAI.

This Motion is based upon the attached Memorandum in Support, the Declaration of HyunSoo Kim in support of the Motion, the pleadings and records on file in this case, and such

other matter, oral or documentary, as the Court may consider at the time it rules upon this Motion.

Dated this 30th day of August, 2021.

/s/ Brian Plegge

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***Attorneys for Defendant LG Chem
America, Inc.***

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DEFENDANT LG CHEM AMERICA, INC.'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION** was served on counsel of record by the Court's electronic filing system on this 30th day of August, 2021.

/s/ Rachel Hedley
Rachel Atkin Hedley